

Notice of Allowability

Application No.

10/609,139

Examiner

James S. Hogan

Applicant(s)

MELENDEZ, HENRY D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed -1/14/2005.
2. ☒ The allowed claim(s) is/are 1, 3-8, 10-19, 21-31, and 32-48.
3. ☒ The drawings filed on 14 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John P. Obanion (Reg. No. 33,201) on June 14, 2005.

The application has been amended as follows: In the claims;

1. (currently amended): A handheld apparatus for spraying a fluid material ~~adapted to couple to a flow control valve having a grip and a trigger~~, comprising:
a plurality of spray nozzles;
a manifold supporting said spray nozzles; and
a feed tube coupled to said manifold;
said feed tube having at least a portion positioned at an offset angle in relation to a longitudinal axis through said manifold; and
an adapter configured for coupling said feed tube to a flow control valve;
wherein said portion of said feed tube positioned at an offset angle forms a handle; and
wherein said apparatus is adapted to be supported with one hand gripping the a flow control valve and the other hand gripping said handle.

15. (currently amended): A handheld apparatus for spraying a fluid material ~~adapted to couple to a flow control valve having a grip and a trigger~~, comprising:
a plurality of spray nozzles;
a manifold supporting said spray nozzles;
a feed tube coupled to said manifold;

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said feed tube having at least a portion positioned at an offset angle in relation to a longitudinal axis through said manifold;

an adapter configured for coupling said feed tube to a flow control valve;

wherein said portion of said feed tube positioned at an offset angle forms a handle;

wherein said apparatus is adapted to be supported with one hand gripping the a flow control valve and the other hand gripping said handle; and

means fluidically coupled to at least one said spray nozzle for receiving a pressurized fluid, allowing said fluid to flow when the pressure of the fluid exceeds a bias level, and preventing fluid flow when the pressure of the fluid falls below the bias level.

27. (currently amended): A handheld apparatus for spraying a fluid material ~~adapted to couple to a flow control valve having a grip and a trigger~~, comprising:

a plurality of spray nozzles;

a manifold supporting said spray nozzles;

a feed tube coupled to said manifold;

said feed tube having at least a portion positioned at an offset angle in relation to a longitudinal axis through said manifold;

an adapter configured for coupling said feed tube to a flow control valve;

wherein said portion of said feed tube positioned at an offset angle forms a handle;

wherein said apparatus is adapted to be supported with one hand gripping the a flow control valve and the other hand gripping said handle; and

an anti-sputter flow control mechanism fluidically coupled to at least one said spray nozzle;

said at least one anti-sputter flow control mechanism comprising

(i) a valve body having an intake port, a central channel and an output port,

(ii) a valve seat disposed within said central channel, and

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(iii) a biased valve head configured to allow fluid to flow between said intake port and said output port when the pressure of said fluid is sufficient to overcome the bias on said valve head, and further configured to engage said valve seat when the pressure of the flow of fluid drops to a level insufficient to overcome the bias on said valve head.

Allowable Subject Matter

2. Claims 1, 3-8, 10-19, 21-32, and 32-48 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or render obvious a hand-held device for spraying fluid materials where a portion of an incoming feed tube is positioned at an offset angle, forming a handle, adapting the device to be supported with one hand gripping a flow control valve that is connected to a pressurized fluid source and the other gripping the offset-angle feed tube.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
06/10/2005



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